

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**NEW YORK SMSA LIMITED  
PARTNERSHIP d/b/a VERIZON  
WIRELESS, NEW CINGULAR  
WIRELESS PCS, LLC, SPRINT  
SPECTRUM L.P., and OMNIPOINT  
COMMUNICATIONS, INC. a wholly  
owned subsidiary of T-MOBILE USA,  
INC.,**

**Plaintiffs,**

**v.**

**TOWN OF CLARKSTOWN, and  
THE TOWN BOARD OF THE TOWN  
OF CLARKSTOWN,**

**Defendants.**

**Case No. 07-cv-7637 (CLB) (GAY)**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on the 16<sup>th</sup> day of May, 2008, at 10:00 a.m., pursuant to this Court's Civil Case Discovery Plan and Scheduling Order Addendum (Oct. 22, 2007) [Doc. 20], Plaintiffs New York SMSA Limited Partnership, d/b/a Verizon Wireless ("Verizon Wireless"), New Cingular Wireless PCS, LLC ("AT&T"), Sprint Spectrum L.P. ("Sprint"), and Omnipoint Communications, Inc. a wholly owned subsidiary of T-Mobile USA, Inc. ("T-Mobile") (collectively, "Plaintiffs"), by and through their respective counsel, will move this Court (Hon. Charles L. Brieant), at the United States Courthouse, 300 Quarropas Street, White Plains, New York, Courtroom 218, for an order granting Plaintiffs summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that in support of their Motion for Summary Judgment (Jan. 11, 2008) [Doc. 25], Plaintiffs shall rely upon this Notice of Motion together with Plaintiffs' Memorandum of Law in Support of Their Motion for Summary Judgment filed on January 11, 2008 [Doc. 26].

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's Civil Case Discovery Plan and Scheduling Order Addendum (Oct. 22, 2007) [Doc. 20], any opposing memoranda or affidavits shall be served by February 29, 2008.

Respectfully submitted,

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Dated: This 16<sup>th</sup> day of January, 2008.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing **Notice of Motion** were filed via the Court's electronic filing system on January 16, 2008, with service by operation of the Court's electronic filing system to the following counsel of record:

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